IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 735 of 2005

Between:

Employees Recreation Association (Club), Registration No. 331/94, situated at Naidu Nagar, Gudur Panchayat, Kadapa, Rep. by its President Sri K. Nagabhushan Rao, S/o. K. Rama Rao, Aged about 40 Years, Occ: Working as Teacher, R/o. Door No.12/107, S.B.I. Colony, Kadapa.

..... PETITIONER

AND

1 The Superintendent of Police, Kadapa, Kadapa District.
2 The Deputy Superintendent of Police, Kadapa,

Kadapa District.
3 The Circle Inspector of Police, Taluk Police Station,

Kadapa, Kadapa District.
4 The Sub-Inspector of Police, Taluk Police Station, Kadapa,
Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in interfering with the lawful activities of the petitioner Association (Club) and its members with regard to playing Cards game of Rummy (13 Cards Game) with stakes and syndicate as illegal, arbitrary, without authority of law and violative of the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents herein not to interfere with the lawful activities of the petitioner Association (Club) and its members and guests including the activities of playing cards game by name Rummy (13 cards game) with stakes and syndicate.

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

Petitioner is a Recreation Association (Club). Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in ***State of A.P. v. K. Satyanarayana***, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 do not apply to such game and it falls within the meaning of game of 'mere skill' under Section 15 of that Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of, directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. There shall be no order as to costs.

25.01.2004

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To

1 The Superintendent of Police, Kadapa, Kadapa District.
2 The Deputy Superintendent of Police, Kadapa,

Kadapa District.
3 The Circle Inspector of Police, Taluk Police Station,

Kadapa, Kadapa District.
4 The Sub-Inspector of Police, Taluk Police Station, Kadapa,
Kadapa District.

5 2 CCs to the G.P. for Home, High Court Buildings,

Hyderabad. (OUT)

6 2 CD copies.